



General Assembly

**Substitute Bill No. 361**

February Session, 2016

\* SB00361JUD 042116 \*

**AN ACT REVISING THE STATE CODES OF ETHICS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of section 1-79 of the 2016 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2016*):

4 (2) "Business with which he is associated" means any sole  
5 proprietorship, partnership, firm, corporation, trust or other entity  
6 through which business for profit or not for profit is conducted in  
7 which the public official or state employee or member of his or her  
8 immediate family is a director, officer, owner, limited or general  
9 partner, beneficiary of a trust or holder of stock constituting five per  
10 cent or more of the total outstanding stock of any class, provided, a  
11 public official or state employee, or member of his or her immediate  
12 family, shall not be deemed to be associated with a not for profit entity  
13 solely by virtue of the fact that the public official or state employee or  
14 member of his or her immediate family is an unpaid director or officer  
15 of the not for profit entity. ["Officer"] "Business with which he is  
16 associated" also includes a second business held by the business with  
17 which he is associated, if the business with which he is associated is a  
18 director, officer, owner, limited or general partner, beneficiary of a  
19 trust or holder of stock constituting five per cent or more of the total  
20 outstanding stock of any class of such second business. For purposes of

21 this subsection, "officer" refers only to the president, executive or  
22 senior vice president or treasurer of such business and to any person  
23 who exercises exclusive control over such business.

24 Sec. 2. Subdivision (11) of section 1-79 of the 2016 supplement to the  
25 general statutes is repealed and the following is substituted in lieu  
26 thereof (*Effective October 1, 2016*):

27 (11) "Public official" means (A) any state-wide elected officer; [ ] (B)  
28 any member or member-elect of the General Assembly; [ ] (C) any  
29 person appointed to any office of the legislative, judicial or executive  
30 branch of state government by the Governor, [or] any other state-wide  
31 elected officer or an appointee of the Governor, with or without the  
32 advice and consent of the General Assembly; [ ] (D) any public  
33 member or representative of the teachers' unions or state employees'  
34 unions appointed to the Investment Advisory Council pursuant to  
35 subsection (a) of section 3-13b; [ ] (E) any person appointed or elected  
36 by the General Assembly or by any member of either house thereof; [ ]  
37 (F) any member or director of a quasi-public agency; and (G) the  
38 spouse of the Governor. [ , but] "Public official" does not include a  
39 member of an advisory board, a judge of any court either elected or  
40 appointed, any person appointed by a judge in the exercise of the  
41 judge's authority in a judicial matter or a senator or representative in  
42 Congress.

43 Sec. 3. Section 1-79 of the 2016 supplement to the general statutes is  
44 amended by adding subdivision (21) as follows (*Effective October 1,*  
45 *2016*):

46 (NEW) (21) "Confidential information" means any information in  
47 the possession of the state, a state employee or a public official,  
48 whatever its form, which (A) is required not to be disclosed to the  
49 general public (i) under any state or federal statute, regulation, policy  
50 or provision, or (ii) pursuant to a state contract or the order of any  
51 court of competent jurisdiction; or (B) falls within a category of  
52 permissibly nondisclosable information under the Freedom of

53 Information Act, as defined in section 1-200, and which the  
54 appropriate agency, state employee or public official has decided not  
55 to disclose to the general public.

56 Sec. 4. Subsection (i) of section 1-80 of the general statutes is  
57 repealed and the following is substituted in lieu thereof (*Effective*  
58 *October 1, 2016*):

59 (i) No member or employee of the board or Office of State Ethics  
60 may make a contribution, as defined in section 9-601a, to any [person  
61 subject to the provisions of this part] state employee, public official or  
62 candidate for state-wide office or the General Assembly.

63 Sec. 5. Subsections (l) and (m) of section 1-80 of the general statutes  
64 are repealed and the following is substituted in lieu thereof (*Effective*  
65 *October 1, 2016*):

66 (l) No member of the board may hold any other paid position in  
67 state [employment] government for a period of one year following the  
68 end of such member's service on the board, including, but not limited  
69 to, service as a member on a state board or commission, service as a  
70 judge of the Superior Court or service as a state agency commissioner.

71 (m) Upon request of any aggrieved party, the board [shall] may  
72 delay the effect of any decision rendered by the board for a period not  
73 to exceed [more than] seven days following the rendering of such  
74 decision.

75 Sec. 6. Subsection (g) of section 1-81 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective*  
77 *October 1, 2016*):

78 (g) There shall be an enforcement division within the Office of State  
79 Ethics. The enforcement division shall be responsible for investigating  
80 complaints brought to or by the board. The ethics enforcement officer,  
81 described in subsection (c) of this section, shall supervise the  
82 enforcement division. The ethics enforcement officer may represent the

83 Office of State Ethics before the Superior Court in an appeal of any  
84 ruling or finding pursuant to, or any matter arising under, section 1-82,  
85 as amended by this act, 1-93, as amended by this act, or 1-101nn,  
86 provided the board is not a party in any such appeal. The enforcement  
87 division shall employ such attorneys and investigators, as necessary,  
88 within available appropriations, and may refer matters to the office of  
89 the Chief State's Attorney, as appropriate.

90 Sec. 7. Section 1-82 of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2016*):

92 (a) (1) Upon the complaint of any person on a form prescribed by  
93 the board, signed under penalty of false statement, or upon its own  
94 complaint, the ethics enforcement officer of the Office of State Ethics  
95 shall investigate any alleged violation of this part or [section 1-101nn]  
96 part IV of this chapter. Not later than five days after the receipt or  
97 issuance of such complaint, the board shall provide notice of such  
98 receipt or issuance and a copy of the complaint by registered or  
99 certified mail to any respondent against whom such complaint is filed  
100 and shall provide notice of the receipt of such complaint to the  
101 complainant. When the ethics enforcement officer of the Office of State  
102 Ethics undertakes an evaluation of a possible violation of this part or  
103 [section 1-101nn] part IV of this chapter prior to the filing of a  
104 complaint, the subject of the evaluation shall be notified not later than  
105 five business days after an Office of State Ethics staff member's first  
106 contact with a third party concerning the matter.

107 (2) In the conduct of its investigation of an alleged violation of this  
108 part or [section 1-101nn] part IV of this chapter, the Office of State  
109 Ethics shall have the power to hold hearings, administer oaths,  
110 examine witnesses and receive oral and documentary evidence. The  
111 Office of State Ethics may subpoena witnesses under procedural rules  
112 adopted by the Citizen's Ethics Advisory Board as regulations, in  
113 accordance with the provisions of chapter 54, to compel attendance  
114 before the Office of State Ethics and to require the production for  
115 examination by the ethics enforcement officer of the Office of State

116 Ethics of any books and papers which the Office of State Ethics deems  
117 relevant in any matter under investigation or in question, provided  
118 any such subpoena is issued either pursuant to a majority vote of the  
119 Citizen's Ethics Advisory Board or pursuant to the signature of the  
120 chairperson of such board. The vice-chairperson of such board may  
121 sign any such subpoena if the chairperson of such board is unavailable.  
122 In the exercise of such powers, the Office of State Ethics may use the  
123 services of the state police, who shall provide the same upon the  
124 office's request. The Office of State Ethics shall make a record of all  
125 proceedings conducted pursuant to this subsection. The ethics  
126 enforcement officer of the Office of State Ethics may bring any alleged  
127 violation of this part or part IV of this chapter before a judge trial  
128 referee assigned by the Chief Court Administrator for such purpose for  
129 a probable cause hearing. Such judge trial referee shall be compensated  
130 in accordance with the provisions of section 52-434 from such funds as  
131 may be available to the Office of State Ethics. Any witness summoned  
132 before the Office of State Ethics or a judge trial referee pursuant to this  
133 subsection shall receive the witness fee paid to witnesses in the courts  
134 of this state. During any investigation conducted pursuant to this  
135 subsection or any probable cause hearing conducted pursuant to this  
136 subsection, the respondent shall have the right to appear and be heard  
137 and to offer any information which may tend to clear the respondent  
138 of probable cause to believe the respondent has violated any provision  
139 of this part or [section 1-101nn] part IV of this chapter. The respondent  
140 shall also have the right to be represented by legal counsel and to  
141 examine and cross-examine witnesses. Not later than ten days prior to  
142 the commencement of any hearing conducted pursuant to this  
143 subsection, the Office of State Ethics shall provide the respondent with  
144 a list of its intended witnesses. Any finding of probable cause to  
145 believe the respondent is in violation of any provisions of this part or  
146 part IV of this chapter shall be made by a judge trial referee not later  
147 than thirty days after the ethics enforcement officer brings such alleged  
148 violation before such judge trial referee, except that such thirty-day  
149 limitation period shall not apply if the judge trial referee determines  
150 that good cause exists for extending such limitation period.

151 (b) If a judge trial referee determines that probable cause exists for  
152 the violation of a provision of this part or [section 1-101nn] part IV of  
153 this chapter, the board shall initiate hearings to determine whether  
154 there has been a violation of this part or [section 1-101nn] part IV of  
155 this chapter. Any such hearing shall be initiated by the board not later  
156 than thirty days after the finding of probable cause by a judge trial  
157 referee and shall be concluded not later than ninety days after its  
158 initiation, except that such thirty or ninety-day limitation period shall  
159 not apply if the judge trial referee determines that good cause exists for  
160 extending such limitation period. A judge trial referee, who has not  
161 taken part in the probable cause determination on the matter, shall be  
162 assigned by the Chief Court Administrator and shall be compensated  
163 in accordance with section 52-434 out of funds available to the Office of  
164 State Ethics. [and] Such judge trial referee shall preside over such  
165 hearing and rule on all issues concerning the application of the rules of  
166 evidence, which shall be the same as in judicial proceedings. The judge  
167 trial referee shall have no vote in any decision of the board. All  
168 hearings of the board held pursuant to this subsection shall be open.  
169 At such hearing the board shall have the same powers as the Office of  
170 State Ethics under subsection (a) of this section and the respondent  
171 shall have the right to be represented by legal counsel, [the right] to  
172 compel attendance of witnesses and the production of books,  
173 documents, records and papers and to examine and cross-examine  
174 witnesses. Not later than ten days prior to the commencement of any  
175 hearing conducted pursuant to this subsection, the Office of State  
176 Ethics shall provide the respondent with a list of its intended  
177 witnesses. The judge trial referee shall, while engaged in the discharge  
178 of the duties as provided in this subsection, have the same authority as  
179 is provided in section 51-35 over witnesses who refuse to obey a  
180 subpoena or to testify with respect to any matter upon which such  
181 witness may be lawfully interrogated, and may commit any such  
182 witness for contempt for a period no longer than thirty days. The  
183 Office of State Ethics shall make a record of all proceedings pursuant  
184 to this subsection. During the course of any such hearing, no ex-parte  
185 communication shall occur between the board, or any of its members,

186 and: (1) The judge trial referee, or (2) any staff member of the  
187 Enforcement Division of the Office of State Ethics, concerning the  
188 complaint or the respondent. The board shall find no person in  
189 violation of any provision of this part or [section 1-101nn] part IV of  
190 this chapter except upon the concurring vote of six of its members  
191 present and voting. No member of the board shall vote on the question  
192 of whether a violation of any provision of this part or part IV of this  
193 chapter has occurred unless such member was physically present for  
194 the duration of any hearing held pursuant to this subsection or such  
195 member has reviewed the record of the hearing and the judge trial  
196 referee determines that such member has been sufficiently informed on  
197 the matter and is competent to render judgment. Not later than fifteen  
198 days after the public hearing conducted in accordance with this  
199 subsection, the board shall publish its finding and a memorandum of  
200 the reasons therefor. Such finding and memorandum shall be deemed  
201 to be the final decision of the board on the matter for the purposes of  
202 chapter 54. The respondent, if aggrieved by the finding and  
203 memorandum, may appeal therefrom to the Superior Court in  
204 accordance with the provisions of section 4-183.

205 (c) If a judge trial referee finds, after a hearing pursuant to this  
206 section, that there is no probable cause to believe that a public official  
207 or state employee has violated a provision of this part or [section 1-  
208 101nn] part IV of this chapter, or if the board determines that a public  
209 official or state employee has not violated any such provision, or if a  
210 court of competent jurisdiction [overturns a finding by the board of a]  
211 rules that no violation was committed by such a respondent, the state  
212 shall pay the reasonable legal expenses of the respondent as  
213 determined by the Attorney General or by the court if appropriate. If  
214 any complaint brought under the provisions of this part or [section 1-  
215 101nn] part IV of this chapter is made with the knowledge that it is  
216 made without foundation in fact, the respondent shall have a cause of  
217 action against the complainant for double the amount of damage  
218 caused thereby and if the respondent prevails in such action, he may  
219 be awarded by the court the costs of such action together with

220 reasonable attorneys' fees.

221 (d) No complaint may be made under this section later than five  
222 years after the violation alleged in the complaint has been committed.

223 (e) No person shall take or threaten to take official action against an  
224 individual for such individual's disclosure of information to the board  
225 or the general counsel, ethics enforcement officer or staff of the Office  
226 of State Ethics under the provisions of this part or [section 1-101nn]  
227 part IV of this chapter. After receipt of information from an individual  
228 under the provisions of this part or [section 1-101nn] part IV of this  
229 chapter, the Office of State Ethics shall not disclose the identity of such  
230 individual without such individual's consent unless the Office of State  
231 Ethics determines that such disclosure is unavoidable during the  
232 course of an investigation. No person shall be subject to civil liability  
233 for any good faith disclosure that such person makes to the Office of  
234 State Ethics.

235 Sec. 8. Subsection (a) of section 1-82a of the general statutes is  
236 repealed and the following is substituted in lieu thereof (*Effective*  
237 *October 1, 2016*):

238 (a) Unless a judge trial referee makes a finding of probable cause, a  
239 complaint alleging a violation of this part or [section 1-101nn] part IV  
240 of this chapter shall be confidential except upon the request of the  
241 respondent. An evaluation of a possible violation of this part or  
242 [section 1-101nn] part IV of this chapter by the Office of State Ethics  
243 prior to the filing of a complaint shall be confidential except upon the  
244 request of the subject of the evaluation. If the evaluation is  
245 confidential, any information supplied to or received from the Office of  
246 State Ethics shall not be disclosed to any third party by a subject of the  
247 evaluation, a person contacted for the purpose of obtaining  
248 information or by the ethics enforcement officer or staff of the Office of  
249 State Ethics. No provision of this subsection shall prevent the Office of  
250 State Ethics from reporting the possible commission of a crime to the  
251 Chief State's Attorney or other prosecutorial authority.



252 Sec. 9. Subsections (i) to (k), inclusive, of section 1-84 of the general  
253 statutes are repealed and the following is substituted in lieu thereof  
254 (*Effective October 1, 2016*):

255 (i) (1) No public official or state employee or member of the official  
256 or employee's immediate family or a business with which he is  
257 associated shall enter into any contract with the state or a quasi-public  
258 agency, valued at one hundred dollars or more, other than a contract  
259 (A) of employment as a state employee, (B) with the technical high  
260 school system for students enrolled in a school in the system to  
261 perform services in conjunction with vocational, technical or  
262 technological education and training any such student is receiving at a  
263 school in the system, subject to the review process under subdivision  
264 (2) of this subsection, (C) with a public institution of higher education  
265 to support a collaboration with such institution to develop and  
266 commercialize any invention or discovery, or (D) pursuant to a court  
267 appointment, unless the contract has been awarded through an open  
268 and public process, including prior public offer and subsequent public  
269 disclosure of all proposals considered and the contract awarded. In no  
270 event shall an executive head of an agency, as defined in section 4-166,  
271 including a commissioner of a department, or an executive head of a  
272 quasi-public agency, as defined in section 1-79, as amended by this act,  
273 or the executive head's immediate family or a business with which he  
274 is associated enter into any contract with [that] such agency or quasi-  
275 public agency. Nothing in this subsection shall be construed as  
276 applying to any public official who is appointed as a member of the  
277 executive branch or as a member or director of a quasi-public agency  
278 and who receives no compensation other than per diem payments or  
279 reimbursement for actual or necessary expenses, or both, incurred in  
280 the performance of the public official's duties unless such public  
281 official has authority or control over the subject matter of the contract.  
282 Any contract made in violation of this subsection shall be voidable by  
283 a court of competent jurisdiction if the suit is commenced not later  
284 than one hundred eighty days after the making of the contract.

285       (2) The superintendent of the technical high school system shall  
286 establish an open and transparent process to review any contract  
287 entered into under subparagraph (B) of subdivision (1) of this  
288 subsection.

289       (j) No public official, state employee or candidate for public office,  
290 or a member of any such person's staff or immediate family shall  
291 knowingly solicit or accept any gift, as defined in subdivision (5) of  
292 section 1-79, from a person known to be a registrant or anyone known  
293 to be acting on behalf of a registrant.

294       (k) No public official, spouse of the Governor or state employee  
295 shall accept a fee or honorarium for an article, appearance or speech, or  
296 for participation at an event, in the public official's, spouse's or state  
297 employee's official capacity, provided a public official, Governor's  
298 spouse or state employee may receive payment or reimbursement for  
299 necessary expenses for any such activity in his or her official capacity  
300 from the sponsor of the event. If a public official, Governor's spouse or  
301 state employee receives such a payment or reimbursement for lodging  
302 or out-of-state travel, or both, the public official, Governor's spouse or  
303 state employee shall, not later than thirty days thereafter, file a report  
304 of the payment or reimbursement with the Office of State Ethics,  
305 unless the payment or reimbursement is provided by the federal  
306 government or another state government. If a public official,  
307 Governor's spouse or state employee does not file such report within  
308 such period, either intentionally or due to gross negligence on the  
309 public official's, Governor's spouse's or state employee's part, the  
310 public official, Governor's spouse or state employee shall return the  
311 payment or reimbursement. If any failure to file such report is not  
312 intentional or due to gross negligence on the part of the public official,  
313 Governor's spouse or state employee, the public official, Governor's  
314 spouse or state employee shall not be subject to any penalty under this  
315 chapter. When a public official, Governor's spouse or state employee  
316 attends an event in this state in the public official's, Governor's  
317 spouse's or state employee's official capacity and as [a principal

318 speaker] an active participant at such event and receives admission to  
319 or food or beverage at such event from the sponsor of the event, such  
320 admission or food or beverage shall not be considered a gift and no  
321 report shall be required from such public official, spouse or state  
322 employee or from the sponsor of the event. As used in this subsection,  
323 "active participant" means a speaker, panelist, moderator of a panel or  
324 presenter of an award who provides substantive official service to the  
325 sponsor of the event.

326 Sec. 10. Subsection (m) of section 1-84 of the general statutes is  
327 repealed and the following is substituted in lieu thereof (*Effective*  
328 *October 1, 2016*):

329 (m) No public official or state employee shall knowingly solicit or  
330 accept, directly or indirectly, any gift, as defined in subdivision (5) of  
331 section 1-79, from any person the public official or state employee  
332 knows or has reason to know: (1) Is doing business with or seeking to  
333 do business with the department or agency in which the public official  
334 or state employee is employed; (2) is engaged in activities which are  
335 directly regulated by such department or agency; or (3) is prequalified  
336 under section 4a-100. No person shall knowingly give, directly or  
337 indirectly, any gift or gifts in violation of this provision. For the  
338 purposes of this subsection, the exclusion to the term "gift" in  
339 subparagraph (L) of subdivision (5) of section 1-79 for a gift for the  
340 celebration of a major life event shall not apply. Any person prohibited  
341 from making a gift under this subsection shall report to the Office of  
342 State Ethics any solicitation of a gift from such person by a [state  
343 employee or] public official or state employee.

344 Sec. 11. Section 1-84c of the general statutes is repealed and the  
345 following is substituted in lieu thereof (*Effective October 1, 2016*):

346 (a) Nothing in this chapter shall prohibit the donation of goods or  
347 services, as described in subparagraph (E) of subdivision (5) of section  
348 1-79, to a state agency or quasi-public agency, the donation of the use  
349 of facilities to facilitate state agency or quasi-public agency action or

350 functions or the donation of real property to a state agency or quasi-  
351 public agency. [As used in this section, "state agency" and "quasi-  
352 public agency" have the same meanings as provided in section 1-79.]

353 (b) If a public official or state employee receives goods or services to  
354 support such official's or employee's participation at an event as  
355 described in subparagraph (E) of subdivision (5) of section 1-79, and  
356 such goods or services (1) include lodging or out-of-state travel, or  
357 both, and (2) are not provided by the federal government or another  
358 state government, such official or employee shall, not later than thirty  
359 days after receipt of such goods or services, file a report with the Office  
360 of State Ethics. Such report shall be on an electronic form prescribed by  
361 the board and shall certify to the Office of State Ethics, under penalty  
362 of false statement, that the goods or services received in support of  
363 such official's or employee's participation at an event facilitated state  
364 action or functions. If a public official or state employee does not file a  
365 report within such thirty-day period, either intentionally or due to  
366 gross negligence on the official's or employee's part, the official or  
367 employee shall return to the donor the value of the goods or services  
368 received. If any failure to file such report is not intentional or due to  
369 gross negligence, the public official or state employee shall not be  
370 subject to any penalty under this chapter.

371 Sec. 12. Section 1-86e of the general statutes is repealed and the  
372 following is substituted in lieu thereof (*Effective October 1, 2016*):

373 (a) No person hired by the state or a quasi-public agency as a  
374 consultant or independent contractor, and no person employed by  
375 such consultant or independent contractor, shall:

376 (1) Use the authority provided [to the person] under the contract, or  
377 any confidential information acquired in the performance of the  
378 contract, to obtain financial gain for the [person] consultant or  
379 independent contractor, an employee of the [person] consultant or  
380 independent contractor or a member of the immediate family of any  
381 such [person] consultant, contractor or employee;

382 (2) Accept another state or quasi-public agency contract which  
383 would impair the independent judgment of the person in the  
384 performance of the existing contract; or

385 (3) Accept anything of value based on an understanding that the  
386 actions of the person on behalf of the state or quasi-public agency  
387 would be influenced.

388 (b) No person shall give anything of value to a person hired by the  
389 state or a quasi-public agency as a consultant or independent  
390 contractor, or a person employed by such consultant or independent  
391 contractor, based on an understanding that the actions of the  
392 consultant, [or] independent contractor or employee on behalf of the  
393 state or quasi-public agency would be influenced.

394 Sec. 13. Section 1-88 of the general statutes is repealed and the  
395 following is substituted in lieu thereof (*Effective October 1, 2016*):

396 (a) The board, upon a finding made pursuant to section 1-82, as  
397 amended by this act, that there has been a violation of any provision of  
398 this part or [section 1-101nn] part IV of this chapter, shall have the  
399 authority to order the violator to do any or all of the following: (1)  
400 Cease and desist the violation of this part or [section 1-101nn] part IV  
401 of this chapter; (2) file any report, statement or other information as  
402 required by this part or [section 1-101nn] part IV of this chapter; and  
403 (3) pay a civil penalty of not more than ten thousand dollars for each  
404 violation of this part or [section 1-101nn] part IV of this chapter.

405 (b) Notwithstanding the provisions of subsection (a) of this section,  
406 the board may, after a hearing conducted in accordance with sections  
407 4-176e to 4-184, inclusive, upon the concurring vote of six of its  
408 members, present and voting impose a civil penalty not to exceed ten  
409 dollars per day upon any individual who fails to file any report, sta  
410 tement or other information as required by this part or [section 1-  
411 101nn] part IV of this chapter. Each distinct violation of this subsection  
412 shall be a separate offense and in case of a continued violation, each

413 day thereof shall be deemed a separate offense. In no event shall the  
414 aggregate penalty imposed for such failure to file exceed ten thousand  
415 dollars.

416 (c) The board may also report its finding to the Chief State's  
417 Attorney for any action deemed necessary. The board, upon a finding  
418 made pursuant to section 1-82, as amended by this act, that a member  
419 or member-elect of the General Assembly has violated any provision of  
420 this part or [section 1-101nn] part IV of this chapter, shall notify the  
421 appropriate house of the General Assembly, in writing, of such finding  
422 and the basis for such finding.

423 (d) Any person who knowingly acts in such person's financial  
424 interest in violation of section 1-84, as amended by this act, 1-85, 1-86,  
425 1-86d, 1-86e, as amended by this act, or 1-101nn or any person who  
426 knowingly receives a financial advantage resulting from a violation of  
427 any of said sections shall be liable for damages in the amount of such  
428 advantage. If the board determines that any person may be so liable, it  
429 shall immediately inform the Attorney General of that possibility.

430 (e) Any employee of the Office of State Ethics or member of the  
431 Citizen's Ethics Advisory Board who, in violation of this part or  
432 [section 1-101nn] part IV of this chapter, discloses information filed in  
433 accordance with subparagraph (F) of subdivision (1) of subsection (b)  
434 of section 1-83, shall be dismissed, if an employee, or removed from  
435 the board, if a member.

436 (f) Any civil penalty imposed by the board pursuant to this section  
437 may be enforced by the Office of State Ethics as a money judgment in  
438 accordance with chapter 906.

439 Sec. 14. Section 1-89 of the general statutes is repealed and the  
440 following is substituted in lieu thereof (*Effective October 1, 2016*):

441 (a) Any person who intentionally violates any provision of this part  
442 or [section 1-101nn] part IV of this chapter shall (1) for a first violation,  
443 be guilty of a class A misdemeanor, except that, if such person derives

444 a financial benefit of one thousand dollars or more as a result of such  
445 violation, such person shall be guilty of a class D felony, and (2) for a  
446 second or subsequent violation, be guilty of a class D felony, provided  
447 no person may be found guilty of a violation of subsection (f) or (g) of  
448 section 1-84 and bribery or bribe receiving under section 53a-147 or  
449 53a-148 upon the same incident, but such person may be charged and  
450 prosecuted for all or any of such offenses upon the same information.

451 (b) The penalties prescribed in this part or [section 1-101nn] part IV  
452 of this chapter shall not limit the power of either house of the  
453 legislature to discipline its own members or impeach a public official,  
454 and shall not limit the power of agencies or commissions to discipline  
455 their officials or employees.

456 (c) The Attorney General may bring a civil action against any person  
457 who knowingly acts in the person's financial interest in, or knowingly  
458 receives a financial advantage resulting from, a violation of section 1-  
459 84, as amended by this act, 1-85, 1-86 or 1-101nn. In any such action,  
460 the Attorney General may, in the discretion of the court, recover any  
461 financial benefit that accrued to the person as a result of such violation  
462 and additional damages in an amount not exceeding twice the amount  
463 of the actual damages.

464 (d) Any fines, penalties or damages paid, collected or recovered  
465 under section 1-88, as amended by this act, or this section for a  
466 violation of any provision of this part or [section 1-101nn] part IV of  
467 this chapter applying to the office of the Treasurer shall be deposited  
468 on a pro rata basis in any trust funds, as defined in section 3-13c,  
469 affected by such violation.

470 Sec. 15. Subdivision (16) of section 1-91 of the 2016 supplement to  
471 the general statutes is repealed and the following is substituted in lieu  
472 thereof (*Effective October 1, 2016*):

473 (16) "Public official" means any (A) state-wide elected state officer,  
474 (B) any member or member-elect of the General Assembly, (C) any

475 person appointed to any office of the legislative, judicial or executive  
476 branch of state government by the Governor or any other state-wide  
477 elected officer, with or without the advice and consent of the General  
478 Assembly, (D) the spouse of the Governor, and (E) any person  
479 appointed or elected by the General Assembly or any member of either  
480 house thereof; but does not include a member of an advisory board or  
481 a senator or representative in Congress.

482 Sec. 16. Section 1-93 of the general statutes is repealed and the  
483 following is substituted in lieu thereof (*Effective October 1, 2016*):

484 (a) (1) Upon the complaint of any person on a form prescribed by  
485 the Office of State Ethics, signed under penalty of false statement, or  
486 upon its own complaint, the ethics enforcement officer of the Office of  
487 State Ethics shall investigate any alleged violation of this part or part  
488 III of this chapter. Not later than five days after the receipt or issuance  
489 of such complaint, the Office of State Ethics shall provide notice of  
490 such receipt or issuance and a copy of the complaint by registered or  
491 certified mail to any respondent against whom such complaint is filed  
492 and shall provide notice of the receipt of such complaint to the  
493 complainant. When the Office of State Ethics undertakes an evaluation  
494 of a possible violation of this part or part III of this chapter prior to the  
495 filing of a complaint, the subject of the evaluation shall be notified not  
496 later than five business days after a staff member of the Office of State  
497 Ethics undertakes the first contact with a third party concerning the  
498 matter.

499 (2) In the conduct of its investigation of an alleged violation of this  
500 part or part III of this chapter, the Office of State Ethics shall have the  
501 power to hold hearings, administer oaths, examine witnesses and  
502 receive oral and documentary evidence. The Office of State Ethics may  
503 subpoena witnesses under procedural rules adopted by the Citizen's  
504 Ethics Advisory Board as regulations, in accordance with the  
505 provisions of chapter 54, to compel attendance before the Office of  
506 State Ethics and to require the production for examination by the ethics  
507 enforcement officer of the Office of State Ethics of any books and



508 papers which the ethics enforcement officer of the Office of State Ethics  
509 deems relevant in any matter under investigation or in question,  
510 provided any such subpoena is issued either pursuant to a majority  
511 vote of the Citizen's Ethics Advisory Board or pursuant to the  
512 signature of the chairperson of such board. The vice-chairperson of  
513 such board may sign any such subpoena if the chairperson of such  
514 board is unavailable. In the exercise of such powers, the Office of State  
515 Ethics may use the services of the state police, who shall provide the  
516 same upon the office's request. The Office of State Ethics shall make a  
517 record of all proceedings conducted pursuant to this subsection. Any  
518 witness summoned before the Office of State Ethics or a judge trial  
519 referee pursuant to this subsection shall receive the witness fee paid to  
520 witnesses in the courts of this state. The ethics enforcement officer of  
521 the Office of State Ethics may bring any alleged violation of this part or  
522 part III of this chapter before a judge trial referee assigned by the Chief  
523 Court Administrator for such purpose for a probable cause hearing.  
524 Such judge trial referee shall be compensated in accordance with the  
525 provisions of section 52-434 from such funds as may be available to the  
526 Office of State Ethics. The respondent shall have the right to appear at  
527 any hearing held pursuant to this subsection and be heard and to offer  
528 any information which may tend to clear the respondent of probable  
529 cause to believe the respondent has violated any provision of this part  
530 or part III of this chapter. The respondent shall also have the right to be  
531 represented by legal counsel and to examine and cross-examine  
532 witnesses. Not later than ten days prior to the commencement of any  
533 hearing conducted pursuant to this subsection, the Office of State  
534 Ethics shall provide the respondent with a list of its intended  
535 witnesses. Any finding of probable cause to believe the respondent is  
536 in violation of any provision of this part shall be made by a judge trial  
537 referee not later than thirty days after the ethics enforcement officer  
538 brings such alleged violation before such judge trial referee, except that  
539 such thirty-day limitation period shall not apply if the judge trial  
540 referee determines that good cause exists for extending such limitation  
541 period.

(b) If a judge trial referee indicates that probable cause exists for the violation of a provision of this part or part III of this chapter, the board shall initiate hearings to determine whether there has been a violation of this part or part III of this chapter. Any such hearing shall be initiated by the board not later than thirty days after the finding of probable cause by a judge trial referee and shall be concluded not later than ninety days after its initiation, except that such thirty-day or ninety-day limitation period shall not apply if the judge trial referee determines that good cause exists for extending such limitation period. A judge trial referee, who has not taken part in the probable cause determination on the matter, shall be assigned by the Chief Court Administrator and shall be compensated in accordance with section 52-434 out of funds available to the board. [and] Such judge trial referee shall preside over such hearing and rule on all issues concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. The judge trial referee shall have no vote in any decision of the board. All hearings of the board held pursuant to this subsection shall be open. At such hearing the board shall have the same powers as the Office of State Ethics under subsection (a) of this section and the respondent shall have the right to be represented by legal counsel, [the right] to compel attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. Not later than ten days prior to the commencement of any hearing conducted pursuant to this subsection, the Office of State Ethics shall provide the respondent with a list of its intended witnesses. The judge trial referee shall, while engaged in the discharge of the duties as provided in this subsection, have the same authority as is provided in section 51-35 over witnesses who refuse to obey a subpoena or to testify with respect to any matter upon which such witness may be lawfully interrogated, and may commit any such witness for contempt for a period no longer than thirty days. The Office of State Ethics shall make a record of all proceedings pursuant to this subsection. During the course of any such hearing, no ex-parte communication shall occur between the board, or any of its members, and: (1) The judge trial referee, or (2) any staff

577 member of the Enforcement Division of the Office of State Ethics,  
578 concerning the complaint or the respondent. The board shall find no  
579 person in violation of any provision of this part or part III of this  
580 chapter except upon the concurring vote of six of its members present  
581 and voting. No member of the board shall vote on the question of  
582 whether a violation of any provision of this part or part III of this  
583 chapter has occurred unless such member was physically present for  
584 the duration of any hearing held pursuant to this subsection or such  
585 member has reviewed the record of the hearing and the judge trial  
586 referee determines that such member is sufficiently informed on the  
587 matter and is competent to render judgment. Not later than fifteen  
588 days after the public hearing conducted in accordance with this  
589 subsection, the board shall publish its finding and a memorandum of  
590 the reasons therefor. Such finding and memorandum shall be deemed  
591 to be the final decision of the board on the matter for the purposes of  
592 chapter 54. The respondent, if aggrieved by the finding and  
593 memorandum, may appeal therefrom to the Superior Court in  
594 accordance with the provisions of section 4-183.

595 (c) If any complaint brought under the provisions of this part or part  
596 III of this chapter is made with the knowledge that it is made without  
597 foundation in fact, the respondent shall have a cause of action against  
598 the complainant for double the amount of damage caused thereby and  
599 if the respondent prevails in such action, the respondent may be  
600 awarded by the court the costs of such action together with reasonable  
601 attorneys' fees.

602 (d) No complaint may be made under this section except within five  
603 years next after the violation alleged in the complaint has been  
604 committed.

605 (e) No person shall take or threaten to take official action against an  
606 individual for such individual's disclosure of information to the board  
607 or the general counsel, ethics enforcement officer or staff of the Office  
608 of State Ethics under the provisions of this part or part III of this  
609 chapter. After receipt of information from an individual under the

610 provisions of this part or part III of this chapter, the Office of State  
611 Ethics shall not disclose the identity of such individual without such  
612 person's consent unless the Office of State Ethics determines that such  
613 disclosure is unavoidable during the course of an investigation.

614 Sec. 17. Section 1-96e of the general statutes is repealed and the  
615 following is substituted in lieu thereof (*Effective October 1, 2016*):

616 Each registrant who pays or reimburses a public official or state  
617 employee ten dollars or more for necessary expenses, as defined in  
618 section 1-79, as amended by this act, shall, within [thirty] forty-five  
619 days, file a statement with the Office of State Ethics indicating the  
620 name of such individual and the amount of the expenses.

621 Sec. 18. Section 1-99 of the general statutes is amended by adding  
622 subsection (d) as follows (*Effective October 1, 2016*):

623 (NEW) (d) Any civil penalty imposed by the board pursuant to this  
624 section may be enforced by the Office of State Ethics as a money  
625 judgment in accordance with chapter 906.

626 Sec. 19. Subdivision (1) of section 1-101mm of the general statutes is  
627 repealed and the following is substituted in lieu thereof (*Effective*  
628 *October 1, 2016*):

629 (1) "Business with which the person is associated" means any sole  
630 proprietorship, partnership, firm, corporation, trust or other entity  
631 through which business for-profit or not-for-profit is conducted in  
632 which the person or member of the immediate family of any person  
633 who is an individual is a director, officer, owner, limited or general  
634 partner, beneficiary of a trust or holder of stock constituting five per  
635 cent or more of the total outstanding stock of any class, provided, a  
636 person who is an individual or a member of the immediate family of  
637 such individual shall not be deemed to be associated with a not-for-  
638 profit entity solely by virtue of the fact that such individual or  
639 immediate family member is an unpaid director or officer of the not-  
640 for-profit entity. ["Officer"] "Business with which the person is

641 associated" also includes a second business held by the business with  
 642 which the person is associated, if the business with which the person is  
 643 associated is a director, officer, owner, limited or general partner,  
 644 beneficiary of a trust or holder of stock constituting five per cent or  
 645 more of the total outstanding stock of any class of such second  
 646 business. For purposes of this subsection, "officer" refers only to the  
 647 president, executive or senior vice president or treasurer of such  
 648 business and to any person who exercises exclusive control over such  
 649 business.

650 Sec. 20. Sections 1-80b to 1-80d, inclusive, of the general statutes are  
 651 repealed. (*Effective October 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	1-79(2)
Sec. 2	<i>October 1, 2016</i>	1-79(11)
Sec. 3	<i>October 1, 2016</i>	1-79
Sec. 4	<i>October 1, 2016</i>	1-80(i)
Sec. 5	<i>October 1, 2016</i>	1-80(l) and (m)
Sec. 6	<i>October 1, 2016</i>	1-81(g)
Sec. 7	<i>October 1, 2016</i>	1-82
Sec. 8	<i>October 1, 2016</i>	1-82a(a)
Sec. 9	<i>October 1, 2016</i>	1-84(i) to (k)
Sec. 10	<i>October 1, 2016</i>	1-84(m)
Sec. 11	<i>October 1, 2016</i>	1-84c
Sec. 12	<i>October 1, 2016</i>	1-86e
Sec. 13	<i>October 1, 2016</i>	1-88
Sec. 14	<i>October 1, 2016</i>	1-89
Sec. 15	<i>October 1, 2016</i>	1-91(16)
Sec. 16	<i>October 1, 2016</i>	1-93
Sec. 17	<i>October 1, 2016</i>	1-96e
Sec. 18	<i>October 1, 2016</i>	1-99
Sec. 19	<i>October 1, 2016</i>	1-101mm(1)
Sec. 20	<i>October 1, 2016</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 5(m) "more than" was bracketed to eliminate redundant language, in Sections 7(b) and 16(b) "the right" was bracketed for consistency, in Section 9(k) "a sponsor" was changed to "the sponsor" for consistency, in Section 11(a) the definitions were bracketed as duplicative of existing provisions and in Section 19, references to "business with which he is associated" were changed to "business with which the person is associated" for consistency with the defined term.

**GAE**        *Joint Favorable Subst. -LCO*

**JUD**        *Joint Favorable*